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VIRGINIA:

BOOK 563 PAGE 61

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS:

Harrison-Wyatt, L.L.C., and:)
Lonzo and Nancy Hodge)

DOCKET NO.
VGOB 90-1010-0033-01

RELIEF SOUGHT:

Issuance of an Amended Supplemental)
Order Amending Prior Orders Affecting)
Drilling Unit BB-8 Located in the)
Oakwood Coalbed Methane Gas Field I,)
Buchanan County, VA (herein "Subject)
Drilling Unit") to Provide:)
(1) Calculation of Funds Unit Operator)
Deposited into the Escrow Account for)
Subject Drilling Unit by Tract Subaccounts;)
(2) to Applicants a Royalty Accounting; and)
(3) Disbursement to Harrison-Wyatt and)
Lonzo and Nancy Hodge in Accordance)
with Their Royalty Split Agreement Those)
funds Deposited by the Unit Operator into)
Subject Drilling Unit's Escrow Subaccount)
for VGOB Tract 2D.)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on October 15, 2002 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. of the firm Swartz and Stump L. C. appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.
4. **Prior Proceedings:**
- 4.1. On November 8, 1990, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the

ENTERED

Clerk of the Circuit Court of Buchanan County on November 19, 1990 in Deed Book 367 at Page 196. The Board designated Oxy, USA, predecessor of Consol Energy, Inc., as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on August 23, 1993 that was filed with the Clerk's Office on August 31, 1993 in Deed Book 413 at page 213 ("Supplemental Order") (hereafter the Pooling Order and the Supplemental Order are collectively referred to as the "Pooling Order").

4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Order, the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Lonzo and Nancy Hodge or their predecessors in title in a 2.56-acre tract known as VGOB Tract 2D in Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.

4.3 The Unit Operator's Miscellaneous Petition to the Board dated August 15, 2002, a copy of which is attached to and made a part hereof, states under oath:

"Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge have entered into a royalty split agreement on September 17, 2001. Said royalty split agreement allows the Applicant and the Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid to-wit: 2.028205 percent of escrow to Harrison-Wyatt, L.L.C. and 2.028205 percent of escrow to Lonzo and Nancy Hodge."

The petition also states that re-mapping of the Unit using modern techniques has caused minimal adjustments to the ownership percentages, and that these corrections are shown on attached exhibits.

4.4 By letter dated September 9, 2002, the Board gave notice to Harrison-Wyatt, L.L.C., Lonzo and Nancy Hodge, the Unit Operator and the Escrow Agent that on its own motion it would take the Petition referred to in Paragraph 4.3 above under consideration at its hearing on September 17, 2002 and consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tracts 2D, to Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge in accordance with the terms of their split agreements, (2) delete the requirement that the Unit Operator place future royalties attributable to Tracts 2D in the Escrow Account. Further, the Board ordered the Unit Operator to file with the Board a complete accounting of funds it has placed on deposit in the Escrow Account. The petition was carried forward to hearing on October 15, 2003.

4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

- (1) Harrison-Wyatt, L.L.C. is the owner of 100% of the coal estate underlying VGOB Tract 2D of the Subject Drilling Unit;
- (2) Lonzo and Nancy Hodge are the owners of 100% of oil and gas estate underlying VGOB Tracts 2D of the Subject Drilling Unit;
- (3) Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge have entered into an agreement to split on a 50/50 basis royalties attributable to their conflicting claims to coalbed methane gas underlying VGOB Tracts 2D of Subject Drilling Unit and their proportionate share of conflicting claims to bonuses and/or royalties, if any, deposited by the Unit Operator in the Escrow Account which are attributable to said tracts.
- (4) the net interests attributable and to be disbursed to Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge in Tracts 2D, are shown in Table 1, below.

TABLE 1					
Tract #	Owner Names	Net acres In unit	% of unit	% interest in VGOB 90-1010-0033 balance	Amount as of 9/30/02
Tract 2D	Harrison-Wyatt, L.L.C. C/O Wyatt Buick Pontiac P. O. Box 11000 Danville, VA 24543	2.56	3.200%	2.0282%	\$1,421.30
	Lonzo and Nancy Hodge P. O. Box 522 Vansant, VA 24656			2.0282%	1,421.30

6. **Relief Granted:**

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) disburse escrowed funds attributable to VGOB Tracts 2D to Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge according to the percentages shown in Table 1, above, and mail attributable proceeds to the addresses shown in the table. Exhibits to the Pooling Order, showing owners subject to escrow, are deleted in toto and replaced with the Exhibits B-3, E and EE attached to the Petition. The plat included in the pooling order is deleted and replaced with the plat attached to the petition. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Harrison-Wyatt, L.L.C. and Lonzo and Nancy Hodge in VGOB Tract 2D be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

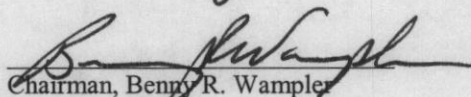
8. **Appeals:**

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a

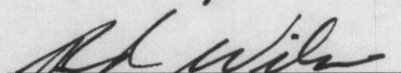
coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18th day of February, 2003, by a majority of the Virginia Gas and Oil Board.

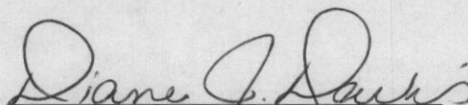

Chairman, Benny R. Wampler

DONE AND PERFORMED this 19th day of February, 2003, by an Order of this Board.


B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF WISE)

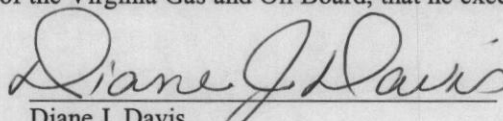
Acknowledged on this 18th day of February, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


~~Susan G. Garrett~~
Notary Public

My Commission expires 9/30/05

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 19th day of February, 2003, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires 9/30/05

Order Recorded Under Code of
Virginia Section 45.1-361.26

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Buchanan Production Company

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 90-1010-0033-01RELIEF SOUGHT: (1) AMENDMENT OF PRIOR
POOLING ORDER (2) DISBURSEMENTS FROM
ESCROW REGARDING TRACTS 2D
(3) AND AUTHORIZATION FOR DIRECT PAYMENT
OF ROYALTIES

HEARING DATE: September 17, 2002

UNIT NUMBER: BB-8
AS IDENTIFIED IN THE OAKWOOD I GRID
VANSANT QUADRANGLE, PRATER & HURRICANE MAGISTERIAL DISTRICTS,
BUCHANAN COUNTY, VIRGINIAMISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is Buchanan Production Company, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Petitioner's counsel is Mark A. Swartz, SWARTZ & STUMP, L.C., P.O. Box 517, Abingdon, VA 24212.

2. **Relief sought:** (1) Amendment of prior pooling orders affecting respondents heretofore pooled in accordance with the updated and revised Exhibits tendered herewith; (2) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract 2D as depicted upon the annexed Plat dated August 15, 2002; and (3) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, L.L.C. and Lonzo & Nancy Hodge.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

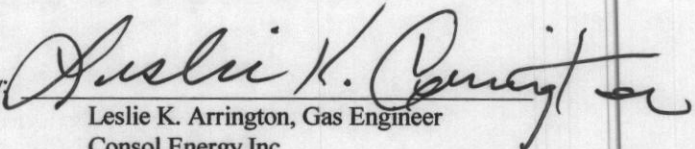
4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested:** In the course of remapping the tracts in the Subject Drilling Unit, the operator has determined that the original acreages and percentages should be revised to account for changes caused by improved technology. When unit and tract maps were originally prepared to pool this unit, hard copy maps with pencil lines were used. More recently these maps and data were digitized so that the mapping, acreages and percentages might be taken off of computerized maps – where line width and other problems associated with hard copy mapping do not affect quantities. Inevitably, this more accurate mapping method has caused minimal changes in acreages and percentages, which should be reported by the supplemental order.

Harrison-Wyatt, L.L.C. and Lonzo & Nancy Hodge have entered into a royalty split agreement on September 17, 2001. Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and, further, specifies how said royalties are to be divided and paid, to-wit: 2.028205 percent of escrow to Harrison-Wyatt, L.L.C. and 2.028205 percent of escrow to Lonzo & Nancy Hodge.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

BUCHANAN PRODUCTION COMPANY
BY IT'S PROFESSIONAL MANAGER
CONSOL ENERGY INC., PETITIONER

By: 
Leslie K. Arrington, Gas Engineer
Consol Energy Inc.
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000

BUCHANAN CO.

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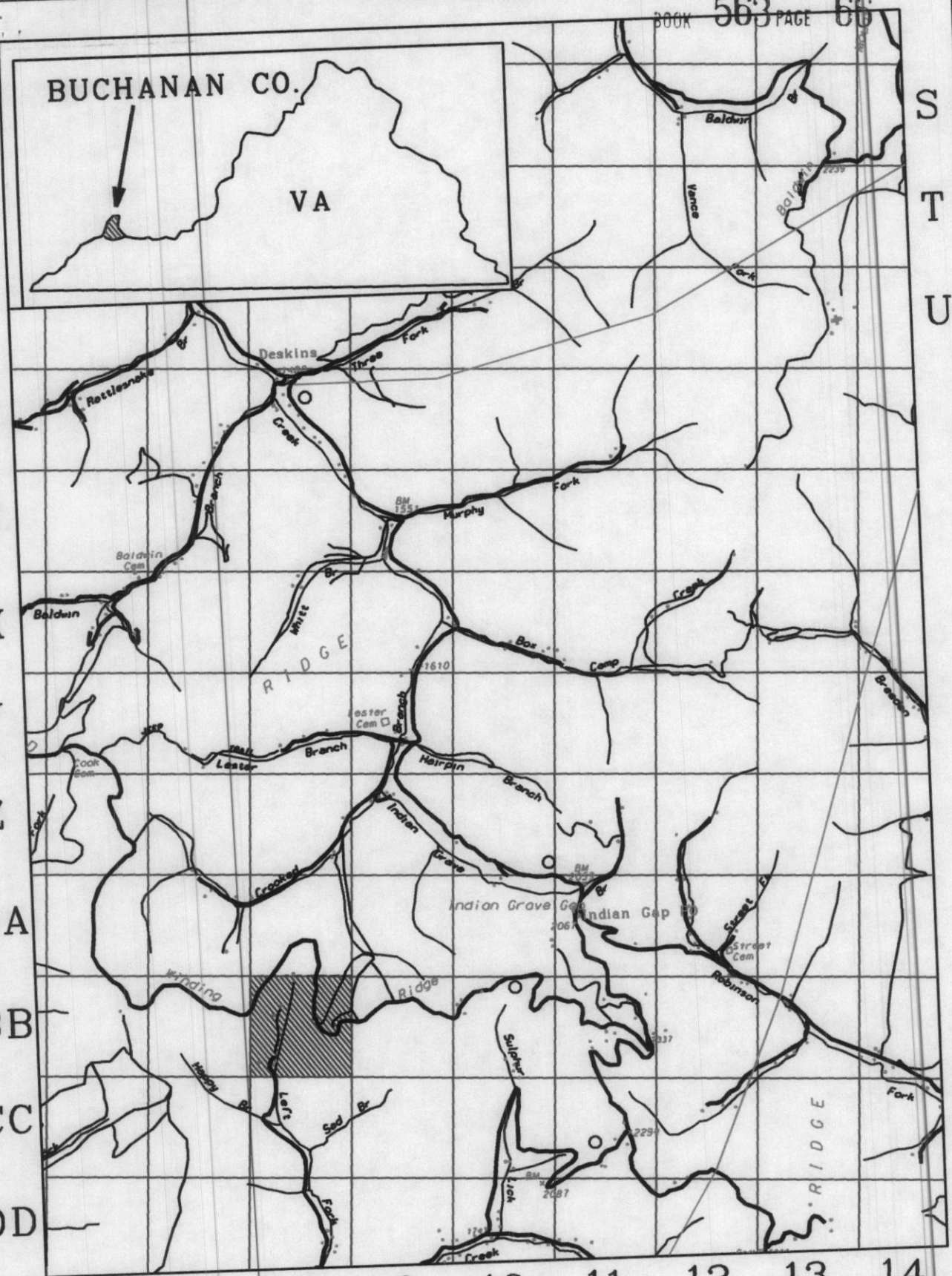


EXHIBIT A1
UNIT BB-8
VGOB 90-1010-0033-01

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

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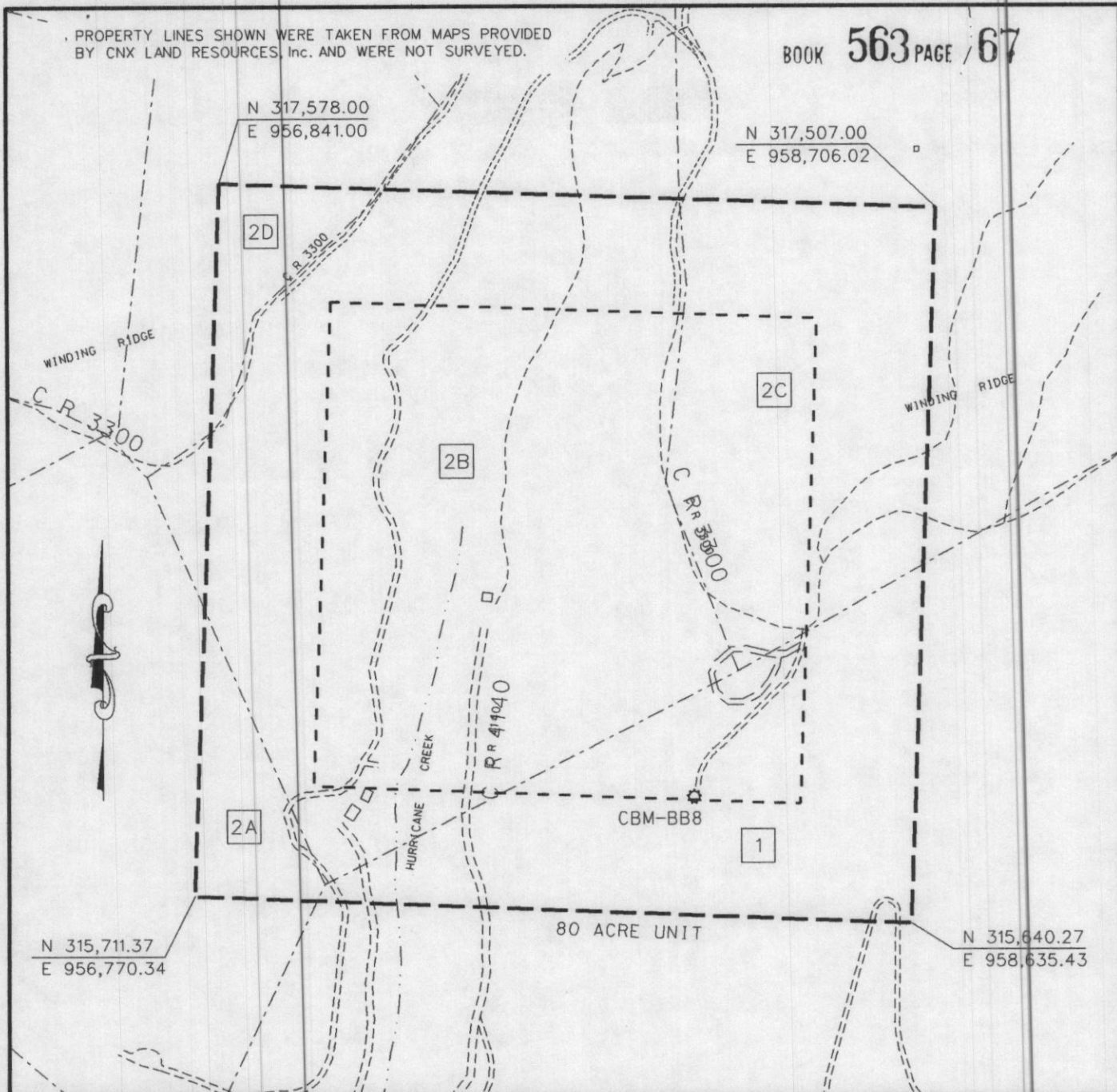


EXHIBIT A
OAKWOOD FIELD UNIT BB-8
FORCE POOLING
VGOB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8
Tract No. Elevation Quadrangle
County Buchanan District Prater/Hurricane Scale: 1" = 400' Date 8/15/02
This plat is a new plat X ; an updated plat ; or a final plat No.

Form DGD-GO-7
Rev. 9/91

Charles D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy, Inc.
UNIT BB-8
Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 16.89 acres 21.1125%

- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 William Ball- Surface, Oil and Gas
 Buchanan Production Company – Oil, Gas and CBM Leased
 3.06 acres 3.8250%

- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 James Lee Ball, et ux. - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 41.46 acres 51.8250%

- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 W. A. Arms Heirs, Successors or Assigns - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 16.03 acres 20.0375%

- 2D. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 Lonzo Hodge, et ux - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 2.56 acres 3.2000%

Exhibit B-3
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Unleased Owners/Claimants

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	Acres in Unit	Percent of Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #2C - 16.03 acres</u>		
(1) W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.03750%
(f) Ed Coleman P.O. Box 454 Lebanon, VA 24266	0.668 acres 4.166643% of 16.03 acres	0.83489%
(h) Donald Arms Rt.H Box 454 Coeburn, VA 24230	0.445 acres 2.777786% of 16.03 acres	0.55660%
(k) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.445 acres 2.777786% of 16.03 acres	0.55660%
(l) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.445 acres 2.777786% of 16.03 acres	0.55660%
(o) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.445 acres 2.777786% of 16.03 acres	0.55660%
(q) Billy P. Arms Rt.2 Box 266U Cedar Bluff, VA 24609	0.267 acres 1.666643% of 16.03 acres	0.33395%
(r) Josh Vince Arms Rt.1 Grundy, VA 24614	0.267 acres 1.666643% of 16.03 acres	0.33395%
(s) Tivis A. Arms Madison, NC 27025	0.267 acres 1.666643% of 16.03 acres	0.33395%
(t) Edmond Coleman Address Unknown	0.267 acres 1.666643% of 16.03 acres	0.33395%
(u) Kelsie Arms Earp Rt.1 Box 768 Boomer, NC 28606	0.267 acres 1.666643% of 16.03 acres	0.33395%
(v) Loraine Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.267 acres 1.666643% of 16.03 acres	0.33395%
(w) James C. Price Box 1 Birchleaf, VA 24220	0.223 acres 1.388857% of 16.03 acres	0.27829%
(x) Kyle Price P.O. Box 54 Mavisdale, VA 24627	0.223 acres 1.388857% of 16.03 acres	0.27829%

Exhibit B-3
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Unleased Owners/Claimants

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	Acres in Unit	Percent of Unit
(y) Gladys Coleman Blankenship Rt.1 Box 103A Hurley, VA 24620	0.167 acres 1.041661% of 16.03 acres	0.20872%
(z) Alva Coleman Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	0.167 acres 1.041661% of 16.03 acres	0.20872%
(dd) Beatrice Coleman Owens Box 1665 Grundy, VA 24614	0.167 acres 1.041661% of 16.03 acres	0.20872%
(gg) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.134 acres 0.833357% of 16.03 acres	0.16698%
(hh) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.134 acres 0.833357% of 16.03 acres	0.16698%
(ii) Mildred Coleman Box 269 Pounding Mill, VA 24637	0.134 acres 0.833357% of 16.03 acres	0.16698%
(jj) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.134 acres 0.833357% of 16.03 acres	0.16698%
(kk) Edgar Allen Price 3609 Pamlico Circle Norfolk, VA 23513	0.111 acres 0.694464% of 16.03 acres	0.13915%
(ll) Katherine Price Sears 4105 Lake Boulevard Oceanside, CA 92049	0.111 acres 0.694464% of 16.03 acres	0.13915%
(mm) John Deel Maxie, VA 24628	0.089 acres 0.555500% of 16.03 acres	0.11131%
(nn) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.089 acres 0.555500% of 16.03 acres	0.11131%
(oo) William V. Deel Box 14 Maxie, VA 24628	0.089 acres 0.555500% of 16.03 acres	0.11131%
(pp) Agnes Johnson Barteo 6207 Upton Place Clinton, MD 20735	0.038 acres 0.238112% of 16.03 acres	0.04771%
(qq) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.038 acres 0.238112% of 16.03 acres	0.04771%

Exhibit B-3
Unit BB-8
Docket #VGOB 90-1010-0033-01
List of Unleased Owners/Claimants

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	Acres in Unit	Percent of Unit
(rr) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.038 acres 0.238112% of 16.03 acres	0.04771%
(ss) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.038 acres 0.238112% of 16.03 acres	0.04771%
(tt) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.038 acres 0.238112% of 16.03 acres	0.04771%
(uu) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.038 acres 0.238112% of 16.03 acres	0.04771%
(vv) Kathryn Johnson Webb 9634 Glover Hill Road Manassas, VA 22110	0.038 acres 0.238112% of 16.03 acres	0.04771%

Docket #VGOB 90-1010-0033-01
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #2A - 3.06 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	3.06 acres	3.82500%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) William A. & Virginia Ball HC4 Box 880 Council, VA 24260	3.06 acres	3.82500%
<u>Tract #2B - 41.46 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	41.46 acres	51.82500%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) James Lee Ball, et ux. 17401 Morrison Road Meadowview, VA 24361	41.46 acres	51.82500%
<u>Tract #2C - 16.03 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C., Tr.39 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	16.03 acres	20.03750%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) W. A. Armes Heirs, Devisees, Successors or Assigns	16.03 acres	20.03750%
(a) Mary June Armes Rt.1 Box 117 Vansant, VA 24656	1.336 acres 8.333357% of 16.03 acres	1.66980%
(b) Dessie Arms 13200 Mallicote Drive Abingdon, VA 24210	1.336 acres 8.333357% of 16.03 acres	1.66980%
(c) Virgie Arms Osborne Rt.1 Box 112 Vansant, VA 24656	1.336 acres 8.333357% of 16.03 acres	1.66980%

Exhibit E
Unit BB-8

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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(d) Charlie E. Street 19171 Stone Mountain Road Abingdon, VA 24210	1.336 acres 8.333357% of 16.03 acres	1.66980%
(e) Alice Elliott 3449 Johnstown Road Centerburg, OH 43011	0.668 acres 4.166714% of 16.03 acres	0.83491%
(f) Ed Coleman P.O. Box 454 Lebanon, VA 24266	0.668 acres 4.166643% of 16.03 acres	0.83489%
(g) Alice Arms Jackson, widow 2846 Vanetta Road Centerburg, OH 43011	0.668 acres 4.166643% of 16.03 acres	0.83489%
(h) Donald Arms Rt.H Box 454 Coeburn, VA 24230	0.445 acres 2.777786% of 16.03 acres	0.55660%
(i) Hulet Arms P.O. Box 100 Melrose, OH 45861	0.445 acres 2.777786% of 16.03 acres	0.55660%
(j) John Dorsie Arms 7891 State Route 66 Oakwood, OH 45873	0.445 acres 2.777786% of 16.03 acres	0.55660%
(k) Nelson Arms 1195 Dayton Drive Warminster, PA 18974	0.445 acres 2.777786% of 16.03 acres	0.55660%
(l) Peter Jacobsen 9612 27th Bay Avenue Norfolk, VA 23518	0.445 acres 2.777786% of 16.03 acres	0.55660%
(m) Ruby Pauline Arms Jenkins 7849 Keys Road Mount Vernon, OH 43050	0.445 acres 2.777786% of 16.03 acres	0.55660%
(n) Pauline Arms Jessee Rt.H Box 454 Coeburn, VA 24230	0.445 acres 2.777786% of 16.03 acres	0.55660%
(o) Virgie Arms Maynard 625 Ellen Road Newport News, VA 23605	0.445 acres 2.777786% of 16.03 acres	0.55660%
(p) Jean Arms Mullins Rt.H Box 454 Coeburn, VA 24230	0.445 acres 2.777786% of 16.03 acres	0.55660%
(q) Billy P. Arms Rt.2 Box 266U Cedar Bluff, VA 24609	0.267 acres 1.666643% of 16.03 acres	0.33395%

Exhibit E
Unit BB-8

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Docket #VGOB 90-1010-0033-01

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(r) Josh Vince Arms Rt.1 Grundy, VA 24614	0.267 acres 1.666643% of 16.03 acres	0.33395%
(s) Tivis A. Arms Madison, NC 27025	0.267 acres 1.666643% of 16.03 acres	0.33395%
(t) Edmond Coleman Address Unknown	0.267 acres 1.666643% of 16.03 acres	0.33395%
(u) Kelsie Arms Earp Rt.1 Box 768 Boomer, NC 28606	0.267 acres 1.666643% of 16.03 acres	0.33395%
(v) Loraine Coleman Lester 8443 East Troy Urbana Road Casstown, OH 45312	0.267 acres 1.666643% of 16.03 acres	0.33395%
(w) James C. Price Box 1 Birchleaf, VA 24220	0.223 acres 1.388857% of 16.03 acres	0.27829%
(x) Kyle Price P.O. Box 54 Mavisdale, VA 24627	0.223 acres 1.388857% of 16.03 acres	0.27829%
(y) Gladys Coleman Blankenship Rt.1 Box 103A Hurley, VA 24620	0.167 acres 1.041661% of 16.03 acres	0.20872%
(z) Alva Coleman Heirs, Devisees, Successors or Assigns Heirs Unknown	0.167 acres 1.041661% of 16.03 acres	0.20872%
(aa) Herman Coleman 1417 Fairfax Road Bellevue, NE 68005	0.167 acres 1.041661% of 16.03 acres	0.20872%
(bb) Howard Coleman 18988 I-18 Continental, OH 45831	0.167 acres 1.041661% of 16.03 acres	0.20872%
(cc) Lucy Coleman Looney 883 Woodbriar Drive Lebanon, VA 24266	0.167 acres 1.041661% of 16.03 acres	0.20872%
(dd) Beatrice Coleman Owens Box 1665 Grundy, VA 24614	0.167 acres 1.041661% of 16.03 acres	0.20872%
(ee) Sadie Coleman Peters 301 Falls Street Defiance, OH 43512	0.167 acres 1.041661% of 16.03 acres	0.20872%
(ff) May Coleman Shortridge 279 Ridgewood Drive Lebanon, VA 24266	0.167 acres 1.041661% of 16.03 acres	0.20872%

Exhibit E
Unit BB-8

BOOK 563 PAGE 75

Docket #VGOB 90-1010-0033-01

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(gg) Larry E. Coleman Rt.1 Box 232 Cleveland, VA 24225	0.134 acres 0.833357% of 16.03 acres	0.16698%
(hh) Michael Coleman Rt.1 Box 682 Pounding Mill, VA 24637	0.134 acres 0.833357% of 16.03 acres	0.16698%
(ii) Mildred Coleman Box 269 Pounding Mill, VA 24637	0.134 acres 0.833357% of 16.03 acres	0.16698%
(jj) Wanda Coleman Cook Rt.1 Box 393 Castlewood, VA 24224	0.134 acres 0.833357% of 16.03 acres	0.16698%
(kk) Edgar Allen Price 3609 Pamlico Circle Norfolk, VA 23513	0.111 acres 0.694464% of 16.03 acres	0.13915%
(ll) Katherine Price Sears 4105 Lake Boulevard Oceanside, CA 92049	0.111 acres 0.694464% of 16.03 acres	0.13915%
(mm) John Deel Maxie, VA 24628	0.089 acres 0.555500% of 16.03 acres	0.11131%
(nn) Martha Irene Deel 375 Huntington Circle Alpharetta, GA 30201	0.089 acres 0.555500% of 16.03 acres	0.11131%
(oo) William V. Deel Box 14 Maxie, VA 24628	0.089 acres 0.555500% of 16.03 acres	0.11131%
(pp) Agnes Johnson Bartee 6207 Upton Place Clinton, MD 20735	0.038 acres 0.238112% of 16.03 acres	0.04771%
(qq) Blanche Johnson Dale 6202 Parkview Lane Clinton, MD 20735	0.038 acres 0.238112% of 16.03 acres	0.04771%
(rr) Phyllis Johnson Durland 1911 Millerville Pike Lancaster, PA 17603	0.038 acres 0.238112% of 16.03 acres	0.04771%
(ss) Helen Johnson Faulkner 12860 Birch Lane Beaumont, TX 77706	0.038 acres 0.238112% of 16.03 acres	0.04771%
(tt) Douglas W. Johnson Rt.1 Box 95-R Marshall, VA 22115	0.038 acres 0.238112% of 16.03 acres	0.04771%

Exhibit E
Unit BB-8

Docket #VGOB 90-1010-0033-01

List of Conflicting Owners/Claimants that require escrow

BOOK 563 PAGE 76

	Acres in Unit	Percent of Unit
(uu) Betty Johnson McClanahan Rt.2 Box 116 A-1 The Plains, VA 22171	0.038 acres 0.238112% of 16.03 acres	0.04771%
(vv) Kathryn Johnson Webb 9634 Glover Hill Road Manassas, VA 22110	0.038 acres 0.238112% of 16.03 acres	0.04771%

Docket #VGOB 90-1010-0033-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

Acres in Unit

Percent
of Unit

Tract #2D - 2.56 acres

COAL FEE OWNERSHIP

(1) Harrison-Wyatt, L.L.C., Tr.39
c/o Wyatt Buick Pontiac
P.O. Box 11000
Danville, VA 24543

2.56 acres

3.20000%

OIL & GAS FEE OWNERSHIP

(1) Lonzo Hodge, et ux.
P.O. Box 522
Vansant, VA 24656

2.56 acres

3.20000%

Tract-by-Tract Escrow Calculation
Account Balances as of 9/30/02

Unit AA-8

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow	Amount Due Owners \$94,994.19
Harrison-Wyatt, LLC - Coal	1A	29.55	37.00689%	18.50344%	\$17,577.20
Robert Rash - O&G	1A	29.55	37.00689%	18.50344%	\$17,577.20
Harrison-Wyatt, LLC - Coal	1B	10.58	13.24984%	6.62492%	\$6,293.29
W.A. Armes Heirs - O&G	1B	10.58	13.24984%	6.62492%	\$6,293.29
Harrison-Wyatt, LLC - Coal	1B	7.85	9.83093%	4.91547%	\$4,669.41
James Ball / Janice Ball - O&G	1B	7.85	9.83093%	4.91547%	\$4,669.41
Harrison-Wyatt, LLC - Coal	1D	6.84	8.56606%	4.28303%	\$4,068.63
Lonzo & Nancy Hodge - O&G	1D	6.84	8.56606%	4.28303%	\$4,068.63
Harrison-Wyatt, LLC - Coal	1E	19.38	24.27051%	12.13525%	\$11,527.79
Lonzo & Nancy Hodge - O&G	1E	19.38	24.27051%	12.13525%	\$11,527.79
Harrison-Wyatt, LLC - Coal	1F	5.65	7.07577%	3.53788%	\$3,360.78
Lonzo & Nancy Hodge - O&G	1F	5.65	7.07577%	3.53788%	\$3,360.78
Totals		79.85		100.00%	\$94,994.19

Unit BB-8

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow	Amount Due Owners \$70,076.67
Harrison-Wyatt, LLC - Coal	2A	3.06	4.84868%	2.42434%	\$1,698.90
William & Virginia Ball - O&G	2A	3.06	4.84868%	2.42434%	\$1,698.90
Harrison-Wyatt, LLC - Coal	2B	41.46	65.69482%	32.84741%	\$23,018.37
James Lee Ball, et ux. - O&G	2B	41.46	65.69482%	32.84741%	\$23,018.37
Harrison-Wyatt, LLC - Coal	2C	16.03	25.40010%	12.70005%	\$8,899.77
W.A. Armes Heirs - O&G	2C	16.03	25.40010%	12.70005%	\$8,899.77
Harrison-Wyatt, LLC - Coal	2D	2.56	4.05641%	2.02820%	\$1,421.30
Lonzo & Nancy Hodge - O&G	2D	2.56	4.05641%	2.02820%	\$1,421.30
Totals		63.11		100.00%	\$70,076.67

Unit Z-8

Owners	Tract #	Acres	Total Tract Percent of Escrow	Owners' Percent of Escrow	Amount Due Owners \$42,031.00
Harrison-Wyatt, LLC - Coal	1A	49.53	76.10633%	38.05317%	\$15,994.13
Robert Rash - O&G	1A	49.53	76.10633%	38.05317%	\$15,994.13
Harrison-Wyatt, LLC - Coal	1B	9.42	14.47449%	7.23725%	\$3,041.89
Lonzo & Nancy Hodge - O&G	1B	9.42	14.47449%	7.23725%	\$3,041.89
Harrison-Wyatt, LLC - Coal	2	6.13	9.41918%	4.70959%	\$1,979.49
Howard / Tiller Heirs - O&G	2	6.13	9.41918%	4.70959%	\$1,979.49

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 5th day of February, 2003 at 12:48 P.M.
 Deed Book No. 563 and Page No. 61.
 Returned to: DMC TESTE: James M. Bevins, Jr., Clerk
Quincy S. Jille Deputy Clerk

PETITIONER: Buchanan Production Company

**DIVISION OF GAS AND OIL
DOCKET NO. VGOB-90-1010-0033-01**

**RELIEF SOUGHT: (1) AMENDMENT OF PRIOR
POOLING ORDER (2) DISBURSEMENTS FROM
ESCROW REGARDING TRACT 2D
(3) AND AUTHORIZATION FOR DIRECT PAYMENT
OF ROYALTIES**

**UNIT NUMBER: BB-8
AS IDENTIFIED IN THE OAKWOOD I GRID
VANSANT QUADRANGLE, PRATER & HURRICANE MAGISTERIAL DISTRICTS
BUCHANAN COUNTY, VIRGINIA**

NOTICE OF HEARING

HEARING DATE: September 17, 2002
PLACE: Southwest Virginia Higher Education Center
Campus of the Virginia Highlands Community College
Abingdon, Virginia 24210
TIME: 9:00 AM

COMMONWEALTH OF VIRGINIA:

To: *Harrison-Wyatt, L.L.C., William A. Ball, James Lee Ball, et ux., Lonzo & Nancy Hodge, W.A. Arms Heirs, Devisees, Successors or Assigns including Mary June Armes, Dessie Arms, Virgie Arms Osborne, Charlie E. Street, Alice Elliott, Ed Coleman, Alice Arms Jackson, Donald Arms, Hulet Arms, John Dorsie Arms, Nelson Arms, Peter Jacobsen, Ruby Pauline Arms Jenkins, Pauline Arms Jessee, Virgie Arms Maynard, Jean Arms Mullins, Billy P. Arms, Josh Vince Arms, Tivis A. Arms, Edmond Coleman, Kelsie Arms Earp, Loraine Coleman Lester, James C. Price, Kyle Price, Gladys Coleman Blankenship, Alva Coleman Heirs, Devisees, Successors or Assigns, Herman Coleman, Howard Coleman, Lucy Coleman Looney, Beatrice Coleman Owens, Sadie Coleman Peters, May Coleman Shortridge, Larry E. Coleman, Michael Coleman, Mildred Coleman, Wanda Coleman Cook, Edgar Allen Price, Katherine Price Sears, John Deel, Martha Deel, William Deel, Agnes Johnson Bartee, Blanche Johnson Dale, Phyllis Johnson Durland, Helen Johnson Faulkner, Douglas W. Johnson, Betty Johnson McClanahan and Kathryn Johnson Webb*

1. **Applicant and its counsel:** Applicant is **Buchanan Production Company**, P. O. Box 947, Bluefield, Virginia 24605, 276/988-1000. Applicant's counsel is Mark A. Swartz, P.O. Box 517, Abingdon, VA 24212.
2. **Relief sought:** (1) Amendment of prior pooling orders affecting respondents heretofore pooled in accordance with the updated and revised Exhibits tendered herewith; (2) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract 2D as depicted upon the annexed Plat dated August 15, 2002; and (3) authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, L.L.C. and Lonzo & Nancy Hodge.
3. **Proposed provisions of order:** As above.
4. **Legal Authority:** Va. Code Ann. §45.1-361.1 et seq. 4 VAC 25-160-140 and relevant Virginia Gas and Oil Board Orders heretofore promulgated.
5. **Type of well(s):** Coalbed methane.
6. **Your interests/claims pertain to coalbed methane gas.**

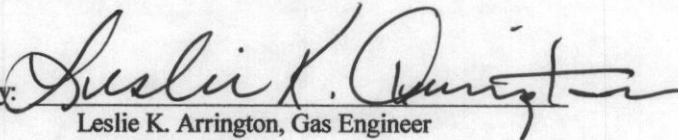
7. **Attestation:** The foregoing application to the best of my knowledge, information, and belief is true and correct.

NOTICE IS FURTHER GIVEN that this cause has been set for hearing and the taking of evidence before the Board at 9:00 AM, on September 17, 2002, at the Southwest Virginia Higher Education Center, Campus of the Virginia Highlands Community College, Abingdon, Virginia 24210, and that notice will be published as required by law and the rules of the Board.

NOTICE IS FURTHER GIVEN that you may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information or a copy of the application and exhibits, either contact the Virginia Gas and Oil Board, State Oil and Gas Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, P. O. Box 1416, Abingdon, Virginia 24210, 276/676-5423 or the Applicant at the address shown below.

DATED: 8-15-02

**BUCHANAN PRODUCTION COMPANY, BY IT'S PROFESSIONAL MANAGER,
CONSOL ENERGY INC., APPLICANT**

By: 

Leslie K. Arrington, Gas Engineer
Consol Energy Inc.
P.O. Box 947
Bluefield, Virginia 24605
276/988-1000

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

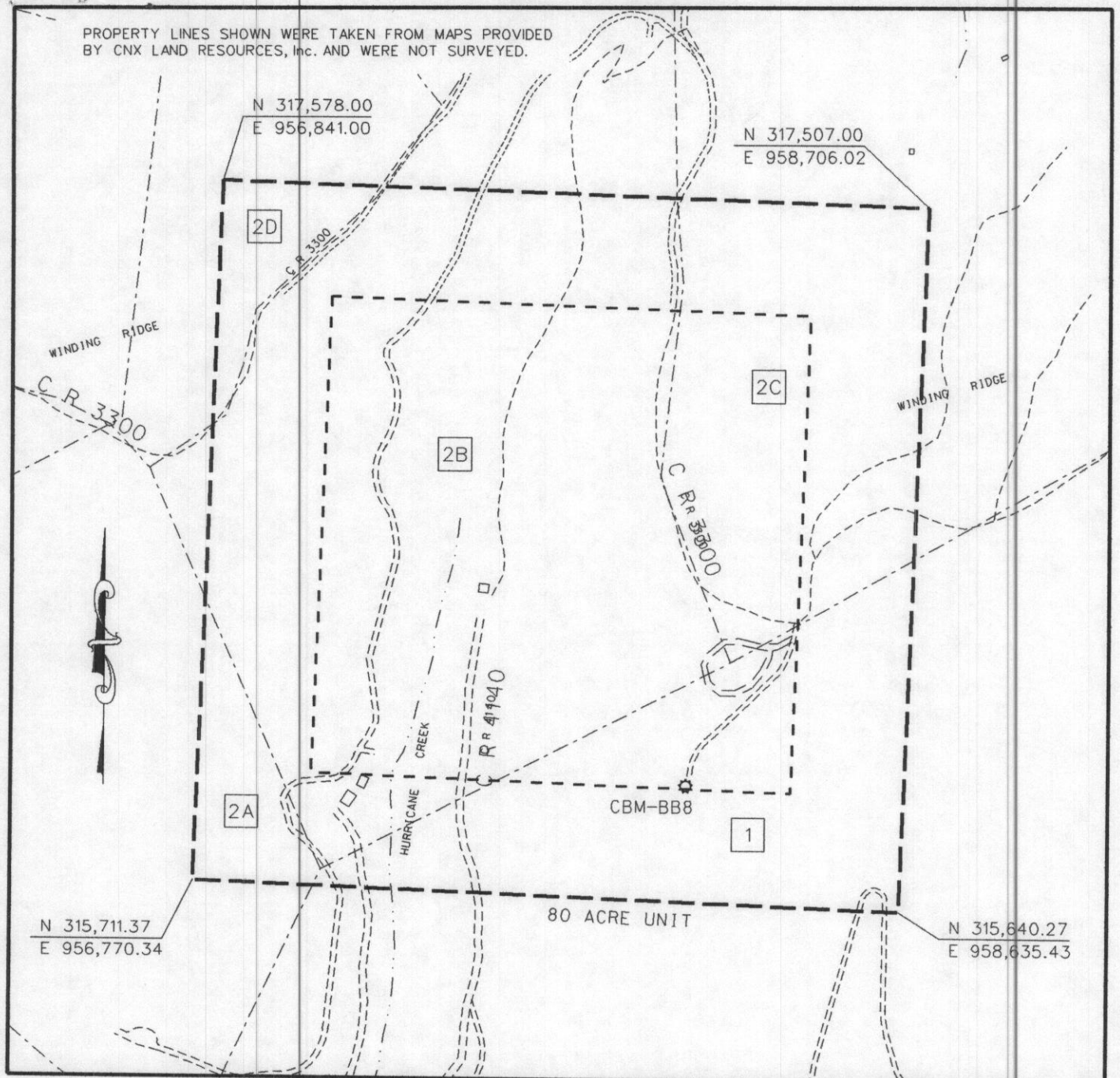


EXHIBIT A
OAKWOOD FIELD UNIT BB-8
FORCE POOLING
VGOB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8
Tract No. _____ Elevation _____ Quadrangle Vansant
County Buchanan District Prater/Hurricane Scale: 1" = 400' Date 8/15/02
This plat is a new plat X ; an updated plat _____ ; or a final plat No.

Form DGO-GO-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy, Inc.

UNIT BB-8

Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
Wellmore Coal Company - Jawbone and Tiller Seams Leased
Buchanan Production Company - CBM Leased
16.89 acres 21.1125%
- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
Wellmore Coal Company - Jawbone and Tiller Seams Leased
Buchanan Production Company - CBM Leased
William Ball- Surface, Oil and Gas
Buchanan Production Company – Oil, Gas and CBM Leased
3.06 acres 3.8250%
- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
Wellmore Coal Company - Jawbone and Tiller Seams Leased
Buchanan Production Company - CBM Leased
James Lee Ball, et ux. - Surface, Oil and Gas
Buchanan Production Company - Oil, Gas and CBM Leased
41.46 acres 51.8250%
- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
Wellmore Coal Company - Jawbone and Tiller Seams Leased
Buchanan Production Company - CBM Leased
W. A. Arms Heirs, Successors or Assigns - Surface, Oil and Gas
Buchanan Production Company - Oil, Gas and CBM Leased
16.03 acres 20.0375%
- 2D. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
Wellmore Coal Company - Jawbone and Tiller Seams Leased
Buchanan Production Company - CBM Leased
Lonzo Hodge, et ux - Surface, Oil and Gas
Buchanan Production Company - Oil, Gas and CBM Leased
2.56 acres 3.2000%

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED
BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 563 PAGE 67

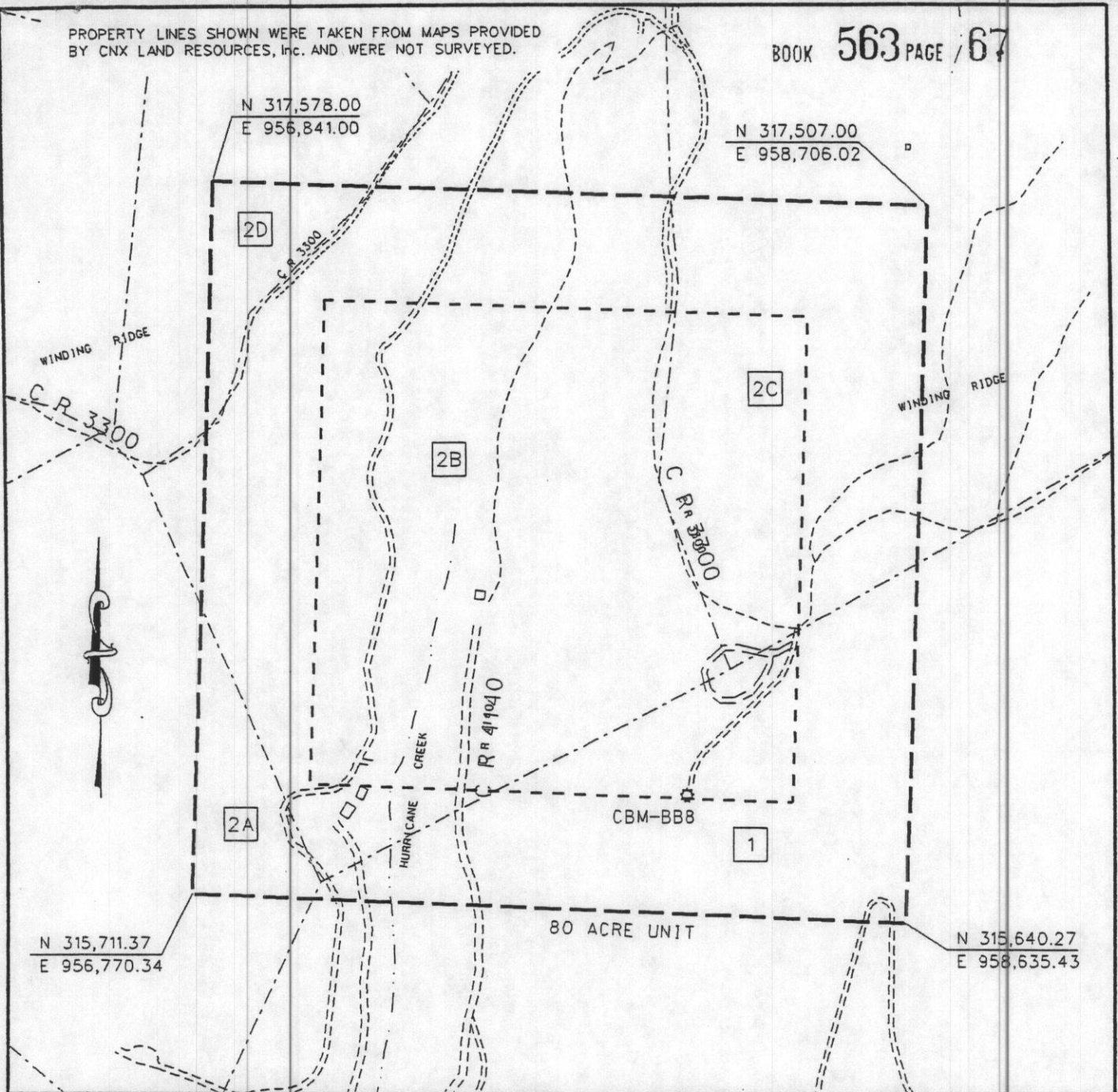


EXHIBIT A
OAKWOOD FIELD UNIT BB-8
FORCE POOLING
VGOB-90-1010-0033-01

Company CONSOL Energy Inc. Well Name and Number UNIT BB8
Tract No. _____ Elevation _____ Quadrangle Versant
County Buchanan District Prater/Hurricane Scale: 1" = 400' Date 8/15/02
This plat is a new plat X ; an updated plat _____ ; or a final plat _____
Form DGO-GO-7
Rev. 9/91
Charles O. Morgan (Affix Seal)
Licensed Professional Engineer or Licensed Land Surveyor

CONSOL Energy, Inc.
UNIT BB-8
Tract Identifications

1. Harrison – Wyatt, LLC (Big Axe Tr. 15) - Fee
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 16.89 acres 21.1125%

- 2A. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 William Ball- Surface, Oil and Gas
 Buchanan Production Company – Oil, Gas and CBM Leased
 3.06 acres 3.8250%

- 2B. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 James Lee Ball, et ux. - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 41.46 acres 51.8250%

- 2C. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 W. A. Arms Heirs, Successors or Assigns - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 16.03 acres 20.0375%

- 2D. Harrison – Wyatt, LLC (Big Axe Tr. 39) - Coal
 Island Creek Coal Company/Consolidation Coal Co. - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - CBM Leased
 Lonzo Hodge, et ux - Surface, Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 2.56 acres 3.2000%